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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,764	10/06/2006	Daniel B. McKeown	65143.0003	3870
24629	7590	10/29/2008		
DARYL W SCHNURR MILLER THOMSON LLP ACCELERATOR BUILDING 295 HAGEY BLVD., SUITE 300 WATERLOO, ON N2L 6R5 CANADA			EXAMINER WILLIAMS, MONICA L	
			ART UNIT 3644	PAPER NUMBER
			MAIL DATE 10/29/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/599,764

Applicant(s)

MCKEOWN, DANIEL B.

Examiner

MONICA L. WILLIAMS

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18, 20-21, 23-25, 29-31, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voogd et al (6,615,764) in view of Huisma et al (6,868,804).
3. In re claims 1-3, 7, 8, 10, 13, 20, 21, 24, 25, and 31, with reference to col.1 line 58 to col.2 line 1, col.2 lines 55-60, col.6 lines 48-53, col.7 lines 27-35, and col.10 lines 51-56, Voogd et al disclose an automatic feeding system for animals comprising a feeding station with at least one feed source (9,10), the station being controlled by a programmable processor (8), the processor being connected to a reader (7, 37) to identify the animals having individual identifiers mounted thereon which distinguishes the animals from each other, the feed source being located in a controlled access area, the access being controlled by a gate/barrier (65), there being one gate for each food source, the processor controlling each gate, the processor identifying each animal and opening and closing each gate for each feed source to allow access or prevent access to each feed source for each animal, determining a type and amount of each feed source consumed by each animal, storing information from that determination in a memory, the processor controlling each gate based on information for each animal. Not

disclosed is a tunnel outside the barrier, a baffle in the tunnel, and a ridge beneath the opening of the baffle.

4. However, with reference to Figure 1 and col.4 lines 9-13 and 41-43, Huisma et al disclose a method for feeding animals including a tunnel (as shown in Fig 1, top and sides) outside of the barrier to define a path to the feed source, sizing the tunnel to allow occupation by only one animal at a time, a baffle (6) in the tunnel with an opening therein that is sized to allow passage of only one animal, a ridge (4) to extend from the baffle beneath the opening to make any animal occupying the opening uncomfortable.

5. In re claims 4, 5, and 23, with reference to col.6 lines 48-53, Voogd et al as modified by Huisma et al, discloses there are at least two controlled access feed sources (9,10), controlling a type of food consumed by each animal and controlling a number of feed sources that a particular animal has access to.

1. In re claim 6, with reference to col.1 lines 58-60, Voogd et al as modified by Huisma et al discloses programming the processor to cut off access for a particular animal when the animal has reached a pre-determined amount of food for that feeding.

2. In re claims 9, 15, and 33, with reference to col.8 lines 11-13, Voogd et al as modified by Huisma et al disclose the system has an output (44) electronically connected to the processor.

3. In re claims 11, 12, 17, 29, 30, and 35, with reference to col.3 lines 8-11 and 48-53, Voogd et al as modified by Huisma et al discloses there is a memory connected to the processor and a sensor (7, 37, 34) on the system, and the sensor records first

approaches (col.6 lines 41-48) and first tastes (col.9 lines 9-15) to each feed source in the memory.

4. In re claim 14, with reference to col.7 lines 34-35, Voogd et al as modified by Huisma et al discloses identifiers are embedded beneath the skin of each animal.
5. In re claim 16 and 34, with reference to col.7 lines 46-48, Voogd et al as modified by Huisma et al discloses the processor is a computer (8).
6. In re claim 18, with reference to col.6 lines 51-53, Voogd et al discloses monitoring a weight of each feed source using a known weighing device. Voogd et al does not disclose using load cells. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have used load cells since they are a known weighing device.
7. Claims 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voogd et al (6,615,764) in view of Huisma et al (6,868,804) as applied to claims 1-3, 7, 8, 10, 13, 20, 21, 24, 25, 30, and 31 above, and further in view of Hayes (4,617,876).
8. In re claim 19, Voogd et al as modified by Huisma et al discloses the claimed invention except for a load cell to monitor the weight of the animal.
9. However, with reference to col.3 lines 19-26, Hayes discloses a conventional weighing means located inside each feeding stall. The advantage of this is to accurately weigh the animal in a comfortable environment while the animal is feeding. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the feeding system of Voogd et al as modified by Huisma et

al with the weighing device of Hayes in order to accurately weigh the animal in a comfortable environment while the animal is feeding.

10. In re claim 26, Voogd et al discloses as modified by Huisma et al the claimed invention except for downloading information from the computer.

11. However, with reference to col.9 lines 13-21, Hayes discloses a feeding and weighing system where a computer is connected to a processor and information is downloaded from the computer to the processor and information is received from the processor in the computer. The advantage of this is to keep all of the records of all of the animals updated. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the computer system of Voogd et al as modified by Huisma et al to download information as taught by Hayes in order to keep all of the records of all of the animals updated.

12. Claims 22, 27, 28, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voogd et al (6,615,764) in view of Huisma et al (6,868,804) as applied to claims 1-3, 7, 8, 10, 13, 20, 21, 24, 25, 30, and 31 above, and further in view of Pape et al (6,664,897).

13. In re claims 22 and 32, Voogd et al as modified by Huisma et al disclose the claimed invention except for the reader being a scanner to conduct a retina or iris scan.

14. However, with reference to col.3 lines 46-51 and Figure 5, Pape et al disclose individual animal identifiers being a retina scan or iris scan. The advantage of this is to quickly identify the animal. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the reader of Voogd et al

as modified by Huisma et al to be a scanner to conduct a retina or iris scans as taught by Pape et al in order to quickly identify the animal.

15. In re claims 27 and 28, Voogd et al as modified by Huisma et al disclose the claimed invention except for a modem and being connected to a local area network.

16. However, with reference to col.11 lines 33-37 and col.25 lines 52-55, Pape et al disclose a system for animal data using a modem to pass information that is connected to a local area network where information is passed to and from the system. The advantage of this is to quickly and efficiently share data. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the computer system of Voogd et al as modified by Huisma et al to include a modem and being connected to a local area network as taught by Pape et al in order to quickly and efficiently share data.

Response to Arguments

17. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

18. In response to applicant's argument that the prior art does not disclose monitoring first approaches and first tastes, this argument is not persuasive because Voogd discloses monitoring first approaches in col.6 lines 41-48 and first tastes in col.9 lines 9-15.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONICA L. WILLIAMS whose telephone number is (571)270-3113. The examiner can normally be reached on Mon to Fri 6:00-3:30, Alternate Friday off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on 571-272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael R Mansen/
Supervisory Patent Examiner, Art Unit 3644

MW 10/22/2008